

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID KATHRENS,)	CASE NO.	C05-1831-JCC-MAT
)		CR03-515-JCC
Petitioner,)		
)		
v.)	ORDER DENYING PETITIONER'S	
)	MOTION FOR ENTRY OF DEFAULT	
UNITED STATES OF AMERICA,)	JUDGMENT AND RENOTING THE §	
)	2255 MOTION	
Respondent.)		
)		

On December 30, 2005, petitioner filed a Motion for Default Judgment (Dkt. 12), claiming that respondent's Answer was not filed within the 30-day time limit imposed by this Court's Service Order of November 21, 2005 (Dkt. 9). A review of the docket shows that respondent filed its answer on December 27, 2005. Therefore, this motion is DENIED as moot.

However, in filing its Answer, respondent failed to follow the Court's instructions that the Answer be treated as a dispositive motion and noted on the Court's motions calendar for four Fridays after filing. The Clerk has subsequently noted the Answer correctly for January 20, 2006, but to ensure there is no confusion on petitioner's part as to when his objection is due, the Court hereby RENOTES the §2255 motion for Friday, January 27, 2006. **Petitioner should note that his objection, if any, to respondent's Answer must be filed with the Court no later than Monday, January 23, 2006.**

The Clerk is directed to send a copy of this Order to petitioner, to counsel for respondent,

ORDER DENYING PETITIONER'S MOTION FOR
ENTRY OF DEFAULT JUDGMENT AND RENOTING
THE § 2255 MOTION
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01 and to the Honorable John C. Coughenour.

02 DATED this 3rd day of January, 2006.

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04 Mary Alice Theiler
05 United States Magistrate Judge
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